

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

September 02, 2015

MOTOR CARRIER MATTER

☐

DOCKET NO.

2015-244-E

UTILITIES MATTER

☒

ORDER NO.

2015-652

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2015-244-E - Beatrice E. Weaver, Complainant/Petitioner v. Duke Energy Progress, Incorporated, and the Office of Regulatory Staff, Defendants/Respondents - Staff Presents for Commission Consideration the Complainant's Motion to Amend Complaint, along with Duke Energy Progress, LLC's Motion to Dismiss.

COMMISSION ACTION:

In this Weaver complaint matter, Duke Energy Progress, LLC moves to dismiss the complaint on the grounds that it fails to state a claim upon which relief can be granted. After review of the record in this case, I agree with Duke and move that the Motion to Dismiss be granted.

A review of Mrs. Weaver's verified account history shows that she never fully paid the total balance due on her account since December 2013. Mrs. Weaver generally paid her electric bills in part, with all or a portion of the prior balance due each month rolling over into the next month's bill. Despite Company attempts to put Mrs. Weaver on an installment plan to help reduce her past due balance, Mrs. Weaver's account remained in a past due status as of July 6, 2015. According to the verified Duke account history, Mrs. Weaver has carried forward past due balances each month from January 2014 to the present. Accordingly, the complaint does fail to state a claim upon which relief can be granted, and the complaint should be dismissed.

It should also be pointed out that Mr. Weaver has attempted to represent the legal interests of Mrs. Weaver in this case. While we are sympathetic to Mrs. Weaver's health issues, representation of her by Mr. Weaver is not allowed by Commission Regulation 103-805 or state law. This regulation clearly states that although an individual may represent himself or herself, an individual who is not an attorney may not represent another person. Therefore, representation of Mrs. Weaver by Mr. Weaver is not allowed, and is an additional ground for dismissal.

Mr. Weaver also filed a Motion to Amend his complaint, and a Motion to File a Supplemental Memorandum in support of the Amended Complaint, which I move be denied. Even if the Motion to Amend was granted, it would not bolster the complaint, since it merely recites alleged violations of various Commission regulations and a Supreme Court Order.

Unfortunately, it does not describe how these rules and orders were allegedly violated, so this amended complaint would also be subject to a Motion to Dismiss, even if allowed. Further, the Motion to File a Supplemental Memorandum consists largely of the citation of law not relevant to the case before the Commission. Moving for denial of the Motion to Amend and the Motion to File a Supplemental Memorandum, and granting the Motion to Dismiss as I have proposed would also lead me to move that we deny all of the other relief requested by Mr. Weaver on behalf of Mrs. Weaver in the case, including, but not limited to sanctions and attorney's fees.

I would note that the Office of Regulatory Staff, which was originally named as a respondent in the complaint, has chosen not to participate in the case under the authority of South Carolina Code Annotated Sections 58-4-10 (B), 58-4-30 and 58-4-50, so no allegations against ORS may now be considered by this Commission.

PRESIDING: Hall

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

